



THE
DECREE AND
ESTABLISHMENT
OF THE KINGS
MAIESTIE,

*Upon a controuersie of Precedence,
betweene the yonger sonnes of Viscounts
and Barons, and the Baronets;*

And touching some other points also,
*concerning aswell Bannerets, as the
said Baronets.* 78 May 1612



Imprinted at London by *Robert*
Barker, Printer to the Kings most
Excellent Maiestie. 1612.

Gay 612.319.144

HARVARD COLLEGE LIBRARY
IN MEMORY OF
LIONEL DE JERSEY HARVARD
CLASS OF 1913

June 11, 1926

DEGREE AND

DATE

OF THE

LIBRARY

OF HARVARD COLLEGE

IN MEMORY OF

LIONEL DE JERSEY HARVARD

CLASS OF 1913

DATE

OF THE

LIBRARY

OF HARVARD COLLEGE

IN MEMORY OF

LIONEL DE JERSEY HARVARD

CLASS OF 1913



JAMES, by the grace
of GOD, King of
England, Scotland,
France and Ireland,
Defender of the Faith, &c.

To all to whome these presents shall
come, Greeting. Know ye that We have
made a certaine Ordinance, Establish-
ment, and finall Decree, whereof the tenor
followeth in these wordes:

*The Decree and Establishment
of the Kings Maiestie, vpon a controuerſie
of Precedence, betweene the younger ſonnes
of Viſcounts and Barons, and the Baro-
nets; And touching ſome other points alſo concerning,
aſwell Bannerets, as the ſaid Baronets.*

THE Kings moſt Excellent Maieſty,
hauing vpon the Petition, and ſub-
miſſion of both parts, taken into his
Royal audience & cenſure, a certaine cor-
trouerſie, touching place and Precedence,
betweene the younger ſonnes of Viſcounts,
and Barons, and the Baronets, (being a de-
gree by his Maieſtie newly created) which
controuerſie did ariſe vpon an inference
onely out of ſome darke words contained
in the Letters Patents of the ſaid Baronets:
And hauing in perſon heard both parts,
and their learned Counſell, three ſeueral
daies at large after information taken from
the Heraults, & due conſideration of ſuch
prooſes as were produced on both ſides,
hath declared and decreed as followeth.

HIS Maieſtie well weighing that the
Letters Patents of the Baronets
haue

haue no speciall claufe or expresse words
to giue vnto them the saide Precedence;
And beeing a witnesse vnto himseke
(which is a testimony aboue all excep-
tion) that his Princely meaning was onely
to grace, and aduance this new Dignitie
of his Maiesties erection; but not there-
withal any wayes to wrong tacitely, & ob-
scurely a third partie, such as the yonger
sonnes of Viscounts & Barons are, in that
which is a flower of their fathers Nobilitie:

And hauing also had the attestation of
the Lords of his Priue Councell, who did
declare that the Precedence (after debate
and deliberation, while the Patent of the
Baronets was in consultation) was with
one consent resolued and ordered for the
yonger sonnes of the Viscounts, & Barons:

And finding also that the claufe where-
by the Precedence is challenged by the
Baronets, as by a kinde of consequence in
regard of place giuen vnto them aboue
some Bannerets, doeth not warrant their
claime (forasmuch as the Precedence be-
twene the Bannerets themselues, and the
yonger

yonger sonnes of Viscounts and Barons, appeareth not to haue bene regular or certaine, but full of confusion and variety, and therefore not sufficient whereupon to ground such their pretence) but being chiefly moued by the clearenesse of his Maiesties Royall intent, and meaning, and the explanation thereof by his Councell, (which his Royall meaning doeth, and euer must leade his Maiesties iudgement in the interpretation of his owne Actes,) hath finally sentenced, adiudged, and established, that the yonger sonnes of Viscounts, and Barons, shall take place and Precedence before all Baronets.

AND further, the better to settle, and cleare also all question of Precedence that may concerne either Bannerets, or the yonger sonnes of Viscounts and Barons, or the said Baronets, either as they haue relation amongst themselues, or towards others respectiue: His Maiesty for himself, his heires and successours, doeth ordaine and establish, that such Bannerets, as shall
be

be made by the Kings Maiestie, his heires
and successors vnder his or their Standard,
displayed in an Armie Royall in open
warre, and the King personally present, for
the terme of the liues of such Bannerets,
and no longer, (according to the most an-
cient, and noble institution) shall for euer
hereafter in all places, and vpon all occa-
sions, take place, and Precedence, aswel be-
fore all other Bannerets whatsoeuer, (no
respect being had to the time, and prioritie
of their creation) as likewise before the
yonger sonnes of Viscounts and Barons,
and also before all Baronets.

And againe, that the yonger sonnes of
Viscounts and Barons, and also all Baro-
nets, shall in all places, and vpon all occa-
sions, take place and Precedence before all
Bannerets whatsoeuer, other then such as
shall bee made by the King himselfe, his
heires and successours in person, and in
such speciall case, manner and forme as
aforesaid.

Neuerthelesse, for a singular honour to
the person of the most high and excellent

B

Prince

Prince HENRY now Prince of *Wales*, his
 Maiesties eldest sonne, aswell the yonger
 sonnes of the Viscounts, and Barons, as the
 Baronets, haue freely and voluntarily con-
 sented and agreed at the hearing of the
 said cause, in the presence of his Maiestie,
 and his Priuie Councell, and all the hea-
 rers, to giue place and Precedence, to such
 Bannerets, as shalbe hereafter made by the
 said most noble HENRY, now Prince of
Wales, vnder the Kings Standard displayed
 in an Armie Royall in open warre, and the
 said Prince there personally present:

Sauing the right of the yonger sonnes
 of Viscounts and Barons, & of the said Ba-
 ronets, and of the heires males of the bo-
 dies of such Baronets, for the time being, in
 all other cases according to the effect, and
 true intent and meaning of their Letters
 Patents, and of these presents.

AND his Maiestie doth likewise by these
 presents, for himselfe, his heires and
 successors ordaine, that the Knights of the
 most noble order of the Garter, the Priuie
 Coun-

Counsellours of his Maiestie, his heires
 and successours, the Master of the Court
 of Wardes and Liueries, the Chancellour
 and vnder-Treasurer of the Exchequer,
 Chancellour of the Duchie, the chiefe Iu-
 stice of the Court commonly called the
 Kings Bench, the Master of the Rolls, the
 chiefe Iustice of the Court of Common
 Pleas, the chiefe Baron of the Exchequer,
 and all other the Iudges and Barons of the
 degree of the Coife of the saide Courts,
 now, and for the time being, shall by rea-
 son of such their Honourable order, and
 imployment of State and Iustice, haue
 place and Precedencie in all places, and vp-
 on all occasions before the yonger sonnes
 of Viscounts and Barons, and before al Ba-
 ronets, Any custome, vse, ordinance, or o-
 ther thing to the contrary notwithstanding.
 But that no other person or persons
 whatsoeuer, vnder the degree of Barons of
 Parliament, shall take place before the said
 Baronets, except onely the eldest sonnes
 of Viscounts and Barons, and others of
 higher degree, whereof no question euer

was, or can bee made. And so his Maiesties meaning is, and accordingly he doth by these presents, for him, his heires and successours, ordeine and decree, that the said Baronets, and the heires males of their bodies, shall in all places, and vpon all occasions for euer, haue, hold, and enioy their place and Precedencie, next vnto, and immediatly after the yonger sons of Viscounts and Barons; and that no person or persons, nor State or States of men, shall haue or take place betweene them, Any Constitution, Order, Degree, Office, Service, Place, Imployment, Custome, Vse, or other thing whatsoeuer now or hereafter to the contrary notwithstanding.

And that the wiues of the saide Baronets, and of the heires males of their bodies, shall likewise by vertue of the saide Dignitie of their said husbands, in all places, and vpon all occasions, haue, take and enioy their place and Precedencie during their liues, next vnto, and immediatly after that place that is due, and belongeth vnto the wiues of the yonger sonnes of Viscounts

counts and Barons, and to the daughters of such Viscounts and Barons, Any Constitution, Use, Custome, Ordinance, or other thing whatsoever, now or hereafter to the contrary in any wise notwithstanding.

ANd further, his Maiestie doth by these presents, for him, his heires and successours, of his certaine knowledge and meere motion, promise and graunt to the said Baronets, and euery of them already created, and hereafter to be created, and the heires males of their bodies, That neither his Maiestie, nor his heires or successours, shall or will at any time hereafter erect, ordaine, constitute or create any other Degree, Order, Name, Title, Stile, Dignitie or State, nor will giue place, Precedencie or preheminence to any person or persons whatsoever, vnder or beneath the Degree, dignitie or State of Lords of Parliament of this his Realme of *England*, which shall or may be, or be taken, vied or accompted to be higher, before, or equall to the Degree, dignitie or place of the said

Baronets, or any of them. **AND** therefore his Maiestie doeth for him, his heires and successours ordeine, graunt, and appoint by these presents, that all and euery the said Baronets, and their saide heires males, and the wiues sonnes, sonnes wiues, and daughters of the said Baronets, and of their said heires males, shall, and may for euer hereafter, freely and quietly haue, hold, and enioy their said Dignities, Places, Precedencie, and Priuiledges before all other which are or shall be created of such Decrees, States, Dignities, Orders, Names, Stiles, or Titles, or to whom such place, Precedencie, or Preheminence shall be so giuen as aforesaid; their wiues and children respectiuelly, according to the true intent and meaning of these presents:

Sauing neuerthelesse to his Maiestie, his heires and successors, full and absolute power and authoritie to continue or restore to any person or persons from time to time such place and precedencie, as at any time hereafter shalbe due vnto them, which by any accident or occasion whatsoeuer shall be

be hereafter changed, any thing in these presents, or other cause or respect whatsoever to the contrarie notwithstanding.

And now though this Precedent declaration doth clearly ridde all questions arising vpon the Letters Patents, yet his Maiestie hauing vpon the occasion of this controuerſie and hearing, and of some of the Baronets grieuances, propounded out of their owne mouthes, considered more maturely vpon the points and latitude of their said Patents, his Maiestie beeing resolued (as out of his owne royall mouth it pleased him to declare vnto them) to ampliate his fauour, especially where it meetes with these so wel borne and wel deseruing Gentlemen, (this dignitie beeing of his Maiesties owne erection, and the worke of his owne handes) his Maiestie is therefore graciously pleased (not contented with those markes of his fauour, which alreadie they enioy by the wordes of their Patent, which layeth such a marke of dignitie and precedence vpon them and their posterity) further to strengthen and adorne his Maiesties

iesties gracious fauour towards them, with addition of the priuiledges, preheminencies, and ornaments ensuing.

First, his Maiestie is pleased to knight the present Baronets, that are no Knights: And doeth also by these presents of his meere motion and fauour, promise and graunt for him, his heires and successours, that such Baronets, and the heires males of their bodies, as herafter shalbe no Knights, when they shall attaine, or be of the age of one and twentie yeares, vpon knowledge thereof giuen to the Lord Chamberlaine of the household, or Vice-chamberlaine for the time beeing, or in their absence to any other Officer attending vpon his Maiesties person, shall be knighted by his Maiestie, his heires and successours.

His Maiestie doth also graunt for him, his heires and successours, that the Baronets, and their descendants shall and may beare, either in a Canton in their coate of Armes, or in an Inscutchion, at their election, the Armes of *Wister*, that is, in a field
Argent,

Argent, a hand Gules, or a bloudie hand.

And also, that the Baronets, for the time beeing, and the heires males of their bodies shall haue place in the armies of the Kings Maiefty his heires and successours, in the grosse, neere about the royall Standard of the King, his heires and successours, for the defence of the same.

And lastly, that the Baronets, and the heires males of their bodies shall haue two assistants of the bodie to support the Pall, a principall mourner, and foure assistants to him at their funerals, being the meane betwixt a Baron and a Knight.

And to the end that euery of the Baronets, and the heires males of their bodies, may haue vpon all occasions present, vse, and prooffe of these his Maiesties fauours; His Maiestie is graciously pleased, that as well the Baronets already created, as hereafter to be created, shal and may haue, and take Letters Patents vnder the great Seale of *England*, to the effect of the said former Letters Patents of creation, and of these presents, either ioynt or seuerall, as they

C

shall

shall be aduised by the learned Councell
of his Maiestie, his heires and successours,
and according to his Highnesse true intent
and meaning.

*In witnesse whereof, We haue caused these Our Let-
ters to be made Patents. Witnesse Our selfe at
Westminster, the eight and twentieth day of
May, in the tenth yeere of Our Raigne of En-
gland, France, and Ireland, and of Scotland the
fifth and fortieth.*



